

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| DERRICK GADSON, | | : | |
| | | : | |
| | Petitioner, | : | 23 Civ. 8518 (LGS) |
| -against- | | : | |
| | | : | <u>ORDER</u> |
| HOUSTON HOUSE, et al. | | : | |
| | | : | |
| | Respondents. | : | |
| | | : | |
| ----- | | X | |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on August 10, 2023, pro se Petitioner filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (the “Petition”) in the United States District Court for the District of Rhode Island, challenging Respondents’ application of time credits under the First Step Act;

WHEREAS, on September 27, 2023, this action was transferred to the United States District Court for the Southern District of New York;

WHEREAS, on October 11, 2023, the matter was referred to Magistrate Judge Gabriel W. Gorenstein;

WHEREAS, on November 30, 2023, Judge Gorenstein issued a Report and Recommendation (the “Report”) recommending that the Petition be denied for failure to exhaust administrative remedies;

WHEREAS, as stated in Judge Gorenstein’s Report, the deadline for filing any objections was fourteen days from service of the Report;

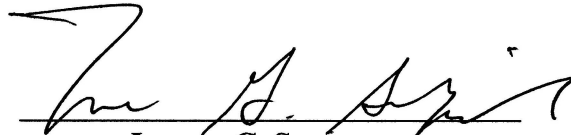
WHEREAS, no objections were timely filed;

WHEREAS, in reviewing a magistrate judge's report and recommendation, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Kuan v. Notoriety Grp. LLC*, No. 22 Civ. 1583, 2023 WL 3936749, at *1 (S.D.N.Y. June 9, 2023);

WHEREAS, the Court finds no clear error on the face of the record as to Judge Gorenstein's Report. It is hereby

ORDERED and ADJUDGED that the Report is **ADOPTED**. The Petition is dismissed.

Dated: March 6, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE